

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims:**

Claims 1-8 (Canceled)

9. (Currently Amended) ~~The method of claim 8~~ A method of transmitting signals using a plurality of transmit channels, the method comprising:

allocating the data to be transmitted among the plurality of transmit channels, wherein at least one of the plurality of transmit channels transports some data that is not transmitted over all of the other of the plurality of transmit channels; and

transmitting a modified preamble from each of the plurality of transmit channels, wherein the modified preamble is distinguishable at a receiver from a conventional 802.11a preamble and includes information in an out-of-band component unused in a conventional 802.11a preamble wherein the plurality of transmit channels comprise a plurality of frequency channels; and,

wherein the the out-of-band component comprises a frequency band at the junction of adjacent 20 MHz channels comprising a portion of each channel that is attenuated by conventional 802.11a communication devices.

10. (Canceled)

11. (Previously presented) In a communications system having a channel divided into a plurality of adjacent frequency bands separated by out-of-band frequency ranges, wherein data is transmitted within the bands of the plurality of frequency bands, a method of increasing data capacity of the channel comprising:

for data to be transmitted from a transmitter, allocating a first portion of the data among the plurality of transmit frequency bands and allocating a second portion of the data to at least one out-of-band frequency range when the first portion is allocated to adjacent bands, wherein

the at least one out-of-band frequency range includes an out-of-band frequency range between the adjacent bands that is attenuated by legacy devices operating in the communication system;  
transmitting the first portion of the data within the plurality of transmit frequency bands;  
and  
transmitting the second portion of the data within the at least one out-of-band frequency range.

12. (Previously presented) The method of claim 11, further comprising:

prior to transmitting at least the second portion of the data, transmitting one or more training symbols usable for a receiver to estimate transmission characteristics of the out-of-band frequency ranges; and

using received signals of the one or more training symbols to modify processing of a received signal corresponding to the second portion of the data to account for the transmission characteristics of the out-of-band frequency ranges.

Claims 13-51 (Canceled)

52. (Currently Amended) ~~The method of claim 51~~ A method of transmitting an extended mode packet intended for extended 802.11 receivers in a wireless medium, the method comprising:

transmitting a modified preamble, the modified preamble comprising data transmitted on subcarriers considered out-of-band subcarriers and unused for data transmission by conventional 802.11a receivers, the modified preamble comprising a plurality of fields decodable by a conventional 802.11a receiver such that a conventional 802.11a receiver that receives the packet can detect the packet or defer processing for a time corresponding to a remainder of the length of the packet; and

transmitting a remainder of the extended mode packet,  
wherein said transmitting the modified preamble comprises transmitting the modified preamble over a 40 MHz channel comprising two adjacent 20 MHz channels, and  
wherein the out-of-band subcarriers comprises subcarriers at adjoining edge portions of the adjacent 20 MHz channels that are attenuated by conventional 802.11a devices.

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Claims 53-63 (Canceled)